



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009723
Proponent Name: Hien Dung
Address of Proposal: 3165 Alaskan Way

SUMMARY OF PROPOSED ACTION

Land Use Application to allow landscaping and the installation of public art in an environmentally critical area located in Myrtle Edwards Park. Determination of Non-Significance has been prepared by King County Wastewater Division.

The following approvals are required:

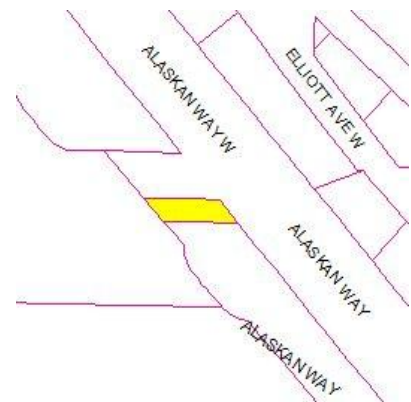
SEPA - to conditionally approve pursuant to 25.05.660.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☒ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The subject site is located within Myrtle Edwards Park adjacent to Elliot Bay. The site can be accessed directly from the Olympic Sculpture Park and also Alaskan Way approximately 800' to the southeast along the adjacent foot/bicycle path. Access is also possible from the northern end of Myrtle Edwards Park. The site is relatively flat and is located within the Shoreline Habitat Buffer Environmentally Critical Area (ECA) adjacent to Elliot Bay. BNSF Railroad right-of-way is also adjacent to the park property.



The site was substantially damaged during heavy rainfall in winter 2006 that caused the hydraulic grade lines to fail. The damage caused combined sanitary sewage and stormwater to overflow into Myrtle Edwards Park and into Elliot Bay. It was determined that the proposed project fell under emergency repair and was provided an exemption from obtaining a Shoreline Substantial Development Permit. Phase I of the proposed work has been completed and this permit cover's Phase II of the project. The project was previously reviewed under Project #6150731.

Proposal

The development proposal involves placing a 248 cubic yard berm surrounding three sides of the new dechlorination vault constructed under previous Permit #6150371. The project also includes replacing 1,020 square feet of brick pavers with grasscrete adjacent to the southeast side of the dechlorination vault reducing overall impervious cover by 726 square feet. King County Metro is also installing a stainless steel art work on the vault's southeastern wall and will be transplanting 29 existing trees and providing additional landscaping (ground cover and turf grass). The existing 4' wide stainless steel swale will also be extended approximately 18' to the berm's southwestern edge. This site is referred to as Outfall Plaza.

Public Comment

During the public comment period, which ended December 24, 2008, DPD received no written comment letters.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated October 10, 2007) and a Determination of Nonsignificance (DNS) issued October 11, 2007 by King County Wastewater Treatment Division, Department of Natural Resources and Parks. The information in the checklist and supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations/circumstances, (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short -Term Impacts

The following temporary construction-related impacts are expected on this site: construction dust and temporary soils erosion; increased noise from construction operations and equipment; increased traffic and parking demand from construction personnel; conflict with normal pedestrian movement adjacent to the site; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant. Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

City codes and/or ordinances apply to this proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation); 2) Shoreline Master Program; 3) Land Use Code and 4) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Air Quality Impacts

Construction on this site will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on the adjacent pedestrian/bicycle path and become airborne.

The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and periodically clean up adjacent roadways and sidewalks. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this specific project. The other types of emissions are considered under the use-related impacts discussed later in this document. No SEPA conditioning is necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675A.

Noise-Related Impacts

Although compliance with the Noise Ordinance is required, nearby residential uses are not located nearby, additional measures to mitigate the anticipated noise impacts are not necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is not necessary on this site.

Street and Sidewalks

The proposed on-site excavation on this site is controlled by a revocable use permit issued by the Seattle Department of Parks and Recreation through a Memorandum of Understanding with the Seattle Department of Transportation when city rights-of-way are adjacent to or contained within (as in this case) Seattle Park's properties. The proposed work within the city right-of-way and park property adjacent to the project site, any temporary closure of the pedestrian/bicycle path or equipment access to the project site is permitted with this revocable use permit. Any potential conflicts with park users during construction will be addressed through the issuance of this permit from the Parks Department. No mitigation is necessary.

Long-term Impacts

Potential long-term or use impacts anticipated by this proposal include: increased bulk on the site; minor increase in light and glare from exterior lighting, and increased energy consumption. These long-term impacts are not considered significant because they are minor in scope, but some warrant further discussion.

The long-term impacts are typical of similar structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Shoreline Master Program; Land Use Code; and the Seattle Energy Code (long-term energy consumption). Additional land use impacts that may result in the long-term are discussed below.

Bulk and Scale

The dechlorination vault's design is taller than what was there originally (an underground vault). As viewed from the north, south, east and west, the building will have a flat roof with vent pipes and public art work. The structure will be surrounded by an 8' tall landscaped berm on 3 sides. The 4th side will have a stainless steel front that hides the access door to the vault. The new structure is greater in bulk than the previous underground vault and will create a loss of views of the water. The vegetated screening will soften the bulk of the building from 3 sides and the stainless steel sheathing will create interest. The environmental checklist also states that the 8' high berms will afford new views of Elliot Bay and the surrounding area from the top of the berm. These design elements break up the appearance of bulk of the new vault structure and will mitigate the height, bulk, and scale impacts. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

CONCLUSION – SEPA

In conclusion, the proposal may cause non-significant adverse environmental impacts on the environment. The condition imposed below is intended to mitigate specific impacts related to site access and construction on Parks Department controlled properties identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).

CONDITIONS – SEPA

Prior to the Issuance of a Construction Permit

1. The applicant shall provide to the zoning plans planner an issued Revocable Use Permit issued by the Seattle Parks and Recreation Department specific to Phase II of the Elliot West Combined Sewer Overflow (CSO) Containment Project.

During Construction

None.

Signature: (signature on file)
Craig Flamme, Land Use Planner II
Department of Planning and Development

Date: March 5, 2009